

**REMARKS**

**The Section 102 Rejections**

Claims 1-12, 39-50 and 52 were rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 5,982,748 to Yin et al. ("Yin").

Applicants respectfully disagree and traverse this rejection for at least the following reasons.

Each of the claims of the present invention requires the assignment of a unique overbooking factor to each of a plurality of service classes to ensure that no two service classes are assigned an identical overbooking factor. It is respectfully submitted that Yin does not disclose or suggest such assignments.

Applicants have read the Examiner's comments contained in the "Response to Arguments" section of the Final Office Action and provide the following additional comments.

It appears that Yin discloses the assignment of an "allocation factor,  $f(i)$ " to a service class using "different traffic parameters" or "different measured traffic rates". Traffic parameters and rates, as these terms are used in Yin, are not akin to the claimed "overbooking factor".

Throughout columns 7 and 8 of Yin, there is described a method where two service classes may be assigned the same allocation factor, be it " $f(i) = 1$ ", " $f(i) > 1$ ", or " $f(i) < 1$ ". Such is not the case in the present invention because the assignment of a unique overbooking factor ensures that no two service classes are assigned an identical overbooking factor.

Because Yin does not disclose or suggest assignment of unique overbooking factors to each service class as described above, it cannot anticipate the claims of the present invention.

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-12, 39-50 and 52.

**The Section 103 Rejections**

Claims 13 and 51 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yin in further view of U.S. Patent No. 6,608,815 to Huang et al. ("Huang"). Applicants respectfully disagree and traverse this rejection for at least the following reasons.

Initially, it is noted that claim 13 depends from claim 1 and claim 51 depends from claim 39. In addition, it is noted that Huang does not make up for the deficiencies of Yin discussed above with respect to amended claims 1 and 39.

Accordingly, Applicants respectfully submit that claims 13 and 51 are patentable over a combination of Yin and Huang for the reasons set forth above with respect to claims 1 and 39.

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 13 and 51.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

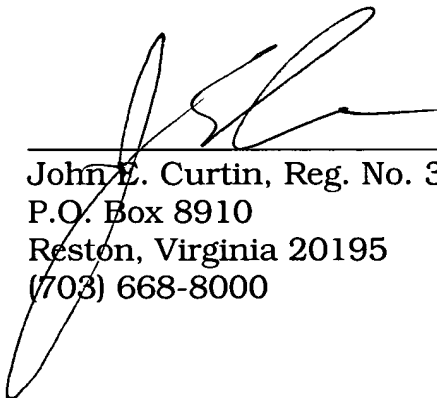
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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